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DAVID JOSE DONG RYU a.k.a.
DONG RYEL RYU, an individual

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DAVID JOSE DONG RYU a.k.a. DONG RYEL RYU, an individual, Plaintiff, vs. FASHIONGO.NET, a business entity form unknown; NHN, a Korean company, form unknown; BEE 3 STARS CORP. dba FASHIONGO.NET; 3 STARS MENTORING dba COMPSOLUTION; HO MOK LEE, an individual; U.S. COPYRIGHT OFFICE and DOES 1-50, inclusive, Defendants.	**Case No.** ***COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF*** 1) COPYRIGHT INFRINGEMENT 2) UNJUST ENRICHMENT 3) CONVERSION 4) DECLARATORY RELIEF 5) INJUNCTION **DEMAND FOR JURY TRIAL**

Plaintiff, DAVID DONG RYU a.k.a. DONG RYEL RYU, an individual, alleges:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to the Copyright Act of 1976, Title 17, United States Code, Sec. 101, et seq. and also Title 15, United States Code, Sec. 1051, et seq. and also 18 United States Code Sec. 1964, et seq.

2. Jurisdiction is conferred upon this Court by Title 28, United States Code, Sec. 1121. Venue is proper under 28 United States Code Sec. 1400 (a) and Sec. 1391.

PARTIES

3. At all times herein mentioned, DAVID JOSE DONG RYU a.k.a. DONG RYEL RYU, an individual, was and is a resident in the State of California and resides within the jurisdiction of the County of Los Angeles.

4. At all times herein mentioned, FASHIONGO.NET is a U.S. based company, form unknown. Its principal place of business is within the Central District of California. Plaintiff is informed and thereon alleges that, at all times herein mentioned, defendants, BEE 3 STARS CORP. and 3 STARS MENTORING dba COMPSOLUTION are all U.S. corporations with their principal place of business in the Central District of California.

5. At all times herein mentioned, NHN, a Korean company whose form is unknown, has been engaging in international e-commerce related businesses, mainly between the nations of Korea and the United States.

6. Plaintiff is informed and thereon alleges that, at all times herein mentioned, defendant HO MOK LEE, an individual, has been a resident in the State of California within the jurisdiction of the Central District of California.

7. Defendant U.S. COPYRIGHT OFFICE is a federal agency overseeing the copyright registration and protection pursuant to the Copyright Act of 1976 and 1998 Digital Millennium Copyright Act. It is based in Washington D.C.

8. *Plaintiff is ignorant of the true names and capacities of Defendants designated* herein as Does 1 to 50, inclusive, but allege that each such similarly designated defendant was and is in some manner responsible for the damages and injuries alleged by plaintiff herein. Plaintiff is further informed and believes and thereon alleges that, at all times herein mentioned, each of the defendants was the agent and/or employer/employee of each of the remaining defendants and, in doing the things alleged herein, were acting within the scope of such agency and/or employment relationship and with the permission, consent and ratification of each of the co-defendants. Plaintiff will amend the Complaint when such doe defendants have been identified.

BACKGROUND INFORMATION

9. Sometime prior to May 6, 2004, plaintiff, as a visitor from Korea, was introduced to defendant, HO MOK LEE, who owned a company named COMPSOLUTION. At this time, the latter company was doing computer software program sales within the environs of local garment district in downtown Los Angeles, California.

10. After the introduction, defendant, HO MOK LEE, invited plaintiff to develop certain website and Windows-based desktop software for the local garment industry, utilizing the facilities of his company located at Los Angeles, California. Spurred by youthful determination and ambition, working with a Spartan-like work discipline, plaintiff developed the software named FashionGo which allows manufacturers to connect with wholesale buyers within approximately six (6) months.

11. As plaintiff's legal status in the United States became an issue, defendant HO MOK LEE volunteered to help plaintiff to keep his status valid through his company, COMPSOLUTION. However, even before this time, plaintiff already owned the copyright to FashionGO as its author. In fact, defendant, HO MOK LEE, as the program, FashionGO was being developed and being "perfected", repeatedly agreed with plaintiff and declared that plaintiff was the copyright owner of the program.

12. Despite above assurance of plaintiff's ownership of the program, FashionGo, defendant HO MOK LEE, as the business traffic through FashionGo began to show a sign of success with orders coming from all over the United States and overseas, began to foster hostile working environment against plaintiff. By 2007, plaintiff was effectively prevented from coming into the company premises. Defendant HO MOK LEE also threatened plaintiff that he will take away plaintiff's legal status if plaintiff keep insisting ownership over FashionGo program.

13. It was later learned that, defendant HO MOK LEE, around 2004, unbeknownst to plaintiff, created separate company named 3 STARS MENTORING, a California corporation, and later, in 2008, wrongfully registered with U.S. Copyright Office, falsely

claiming that his company owned the copyright to FashionGO program. Moreover, using the name of newly formed company, 3 STARS MENTORING, defendant HO MOK LEE filed a lawsuit in 2008 against plaintiff for alleged infringement of copyright of FashionGO, i.e., Case No. 2:08-CV-02826-DMG, in United States District Court Central District of California. This lawsuit was filed by defendant HO MOK LEE after the FashionGO became phenomenally profitable in order to prevent plaintiff from claiming ownership over FashionGo program.

14. While defending against above lawsuit along with other named co-defendants, plaintiff did not have adequate understanding of the court proceeding. In fact, at the time of Mandatory Settlement Conference held on the eve of trial itself, plaintiff was without proper interpretation of the content of any terms and conditions of settlement being discussed in a closed room. The settlement discussion continued to late evening. Under great deal of duress and confusion, plaintiff executed the handwritten settlement memorandum in English without the benefit of adequate interpretation of the terms and conditions contained therein. In fact, he was specifically given an assurance that he can always file the lawsuit again and that the document he was signing was not the final document and that he will have another opportunity to scrutinize the final "type-written" document at a later date.

15. Therafter, unbeknownst to plaintiff, a consent decree was entered without his approval. This consent decree operated as an ongoing order that indefinitely keeps the jurisdiction over the dispute between the parties in the former lawsuit, i.e., Case No. 2:08-CV-02826-DMG.

16. However, the above former lawsuit, through its consent decree, did not adequately address the issue of ownership over the computer program, i.e., FashionGO, as the copyright laws of the United States, through its unique policy of protecting the computer software inventors, confers the copyright ownership and property right to computer software developers as "author" of the work.

FIRST CLAIM FOR RELIEF

(Copyright Infringement Against All Defendants Except U.S. COPYRIGHT OFFICE)

17. Plaintiff incorporates herein be reference the allegations set forth in paragraphs 1 through 16 as though fully set forth herein.

18. While plaintiff invented the software program called FashionGO, he was not an employer/employee relationship with defendants HO MOK LEE and his company, COMPUSOLUTION. Moreover, there was no employment agreement let alone any waiver of copyright interest of any software program invention between plaintiff and aforementioned defendants.

19. In violation of the copyright laws of the United States, defendants, HO MOK LEE, using newly formed company named "3 STARS MENTORING", wrongfully registered the copyright against plaintiff's software program and program code of FashionGo, claiming interest as the copyright holder, i.e., Copyright Registration Nos. TX0006850891.

20. Since then, despite repeated protest and warnings, defendants kept claiming their copyright interests against plaintiff's copyright in accordance with the Copyright laws of United States. In fact, defendant HO MOK LEE and his sons created an outfit named BEE 3 STARS CORP. and FashionGo.net and began to use FashionGO program that was created by plaintiff. Most recently, they sold at least a portion of the ownership interest of FashionGO to defendant NHN for a value of well over tens of million dollars. Defendants also helped to start FashionGO Korea with FashionGO program as its web-based marketing tool.

21. In light of this most recent action by defendants alienating to third party of plaintiff's copyright, plaintiff has no choice but to file this lawsuit to protect its copyright interest. Along with the filing of this lawsuit, plaintiff will be seeking the registration of the copyright with defendant U.S. COPYRIGHT OFFICE. Meanwhile U.S. COPYRIGHT OFFICE is named as a defendant in this lawsuit to comply with the legal procedure pursuant to the U.S. copyright laws.

22. In addition, plaintiff claims that the initial registration by defendant HO MOK LEE and 3 STARS MENTORING back in 2008 was null and void ab initio as they had no standing to register the software program named FashionGO as plaintiff was the owner as the author of the work pursuant to the Copyright laws.

23. All of above-described Defendants' infringement of plaintiff's copyright have damaged plaintiff in an amount according to proof at trial.

24. All defendants' infringement has been willful and deliberate. Plaintiff is entitled to recover punitive damages as a result of their willful violations.

SECOND CLAIM FOR RELIEF

(Unjust Enrichment Against All Defendants

Except U.S. COPYRIGHT OFFICE)

25. Plaintiff incorporates herein be reference the allegations set forth in paragraphs 1 through 24 as though fully set forth herein.

26. All defendants have accessed, utilized and/or sold source code and website source code of FashionGO without permission of or compensation to the Plaintiff.

27. All defendants have never paid to use plaintiff's above-mentioned products, trade secrets or systems involving FashionGO.

28. Plaintiff has lost potential licensing and sales revenue as a proximate result of defendants' actions in an amount to be determined.

THIRD CLAIM FOR RELIEF

(Conversion Against All Defendants

Except U.S. COPYRIGHT OFFICE)

29. Plaintiff incorporates herein be reference the allegations set forth in paragraphs 1 through 28 as though fully set forth herein.

30. Plaintiff's FashionGO program, including its source code, was wrongfully taken by defendants and each of them by their actions of registering for copyright and otherwise exercise dominion over the property rights of the foregoing program with the intent to steal such code and data.

31. Plaintiff has suffered damage in an undetermined amount because of all defendants' conversion.

FOURTH CLAIM FOR RELIEF

(Declaratory Relief Against All Defendants)

32. Plaintiff incorporates herein be reference the allegations set forth in paragraphs 1 through 31 as though fully set forth herein.

33. Plaintiff is the exclusive owner of the intellectual property in dispute, i.e., FashionGO., including its source code, website source code and enterprise resource management software created and owned by plaintiff, along with any derivative works and have the exclusive rights under the Copyright Act. Therefore, all defendants' claims to any licensing, contractual, assignment or other right, title, or interest in and to the Property, including the derivative works and programs should be declared legally void.

34. Plaintiff desires a judicial determination, pursuant to 28 U.S.C. Sec. 2201, that he is the sole owner of the copyrights in the FashionGO source code, website source code and derivative software created and owned by plaintiff, that all defendants have no rights to possess or exploit such property, derivative works or the programs or code, including

registering for copyrights, without the express authorization of plaintiff and that any claims to the contrary, including but not limited to the copyright claims, are of no legal effect.

FIFTH CLAIM OF RELIEF

(Injunction Against U.S. COPYRIGHT OFFICE)

35. Plaintiff incorporates herein be reference the allegations set forth in paragraphs 1 through 34 as though fully set forth herein.

36. Plaintiff contends that he is the exclusive owner of the intellectual property in dispute, i.e., FashionGO., including its source code, website source code and enterprise resource management software created and owned by plaintiff, along with any derivative works and have the exclusive rights under the Copyright Act. Therefore, all defendants' claims to any licensing, contractual, assignment or other right, title, or interest in and to the Property, including the derivative works and programs should be declared legally void.

37. Therefore, plaintiff seeks an injunctive relief, in the form of preliminary injunction and a permanent injunction restraining defendant, U.S. COPYRIGHT OFFICE, its officers, agents, servants, employees, attorneys, owners and all persons in active concert or participation with them from continuing to recognize the copyright claim of other defendants named in this lawsuit in the software program named FashionGO;

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

On the First Claim of Relief for Copyright Infringement

a. An injunctive relief, in the form of preliminary injunction and a permanent injunction restraining all defendants, their officers, agents, servants, employees, attorneys, owners and all persons in active concert or participation with them from copying, duplicating, distributing, selling, renting or otherwise infringing the copyright of plaintiff in FashionGO;

B. That, pursuant to 17 U.S.C. Sec. 504 (c), all defendants be required to pay an award of statutory damages in a sum of not less than $10,000.00 should this statutory remedy be elected;

C. That, pursuant to 17 U.S.C. Sec. 504 (c), all defendants be required to pay an award of increased statutory damages in a sum of not less than $50,000.00 for willful infringement should this statutory remedy be elected;

D. That, the Court find that all defendants' conduct was committed willfully;

E. That, pursuant to 17 U.S.C. Sec. 505, all defendants be required to pay Plaintiff's full costs in this action and reasonable attorney's fees to Plaintiff's attorney;

For the Second Claim of Relief for Unjust Enrichment

A. An order directing all defendants to return the FashionGO source code, website source code and other derivative works to plaintiff;

B. For an award equal to the amount that all defendants have been unjustly enriched;

For the Third Claim of Relief for Conversion

A. An order directing all defendants to return the FashionGO source code, website source code and other derivative works to plaintiff;

B. For an award of damages incurred by Plaintiff as a result of defendants' conversion;

For the Fourth Claim of Relief for Declaratory Relief

A. An order declaring Plaintiff to be the sole and exclusive owner and copyright holder of the intellectual property at issue, i.e., FashionGO;

For the Fifth Claim of Relief for Injunction

A. An injunctive relief, in the form of preliminary injunction and a permanent injunction restraining defendant, U.S. COPYRIGHT OFFICE, its officers, agents, servants, employees, attorneys, owners and all persons in active concert or participation with them from continuing to recognize the copyright claim of other defendants named in this lawsuit in the software program named FashionGO;

For All Claims of Relief

A. That the Plaintiff be awarded the costs of suit herein incurred;

B. That the Plaintiff be awarded pre-judgment interest and post-judgment interest as permitted by law; and

C. An award of such other and further relief as the Court determines to be just and proper;

Dated: 1/23/2017

LAW OFFICES OF ANDREW KIM, APC

By____________________

ANDREW KIM, Attorney for Plaintiff,
DAVID JOSE DONG RYU a.k.a.
DONG RYEL RYU, an individual,

JURY DEMANDED

Plaintiff, DAVID JOSE DONG RYU aka DONG RYEL RYU, hereby demand jury trial in this case.

Dated: 1/23/2017

ANDREW KIM, Attorney for Plaintiff
DAVID JOSE DONG RYU a.k.a.
DONG RYEL RYU, an individual